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west virginia department of environmental protection

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Environmental Enforcement  
P. O. Box 662  
Teays, WV 25569  
Telephone: (304)757-1693  
Fax: (304)757-3873

Earl Ray Tomblin, Governor  
Randy Huffman, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

January 15, 2014

Freedom Industries, Inc.  
Attn: Gary Southern, President  
P.O. Box 713  
Charleston, WV 25323

## **NOTICE OF VIOLATION**

RE: NOV #114-20-001-JWB

Dear Mr. Southern:

On January 15, 2014, West Virginia Department of Environmental Protection (WVDEP) personnel conducted a site investigation at the Freedom Industries Inc.'s Poca Blending Facility. During the course of this investigation, the following violations were observed and documented:

1. Tanks containing MCHM and MCHM contaminated liquids from this site, currently situated at Freedom Industries, Inc.'s Poca Blending facility have not been provided with adequate secondary containment, a violation of paragraph 3 of the Order for Compliance Section of Order No. 8028 and WV Code 22-11-1 et seq.
2. Freedom Industries personnel and/or its contractors have placed into operation a processing facility for the treatment of MCHM contaminated liquids at its Poca Blending facility. Freedom Industries, Inc. has not submitted a plan for WVDEP approval concerning the remediation of the contaminated soil/waste from this site, a violation of paragraph 4 of the Order for Compliance Section of Order No. 8028 and WV Code 22-11-1 et seq.

Promoting a healthy environment.

In order to address these violations, you are requested to respond, in writing by 4:00 pm on January 16, 2014. This response should include remedial measures that will fully abate the above-mentioned violation, and shall be submitted to the on-site WVDEP Environmental Enforcement Inspector on duty. Be advised that violation(s) of your WV/NPDES Permit, WV Legislative Rules, WV Code, and/or an Order issued under the authority of the Director of Division of Water and Waste Management may result in enforcement action(s) being initiated by WVDEP.

Respectfully,



Scott G. Mandirola, Director  
Division of Water and Waste Management

cc: Yogesh Patel, Assistant Director, DWWM/Permits (via email)  
Joseph M. Hickman, Assistant Chief Inspector, EE/WW (via e-mail)  
Cynthia Musser, Environmental Inspector Supervisor, EE/WW (via e-mail)